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been rewritten. The sacrifice of text is supplemented by an elaborate system of cross-references. The abridging has been done with intelligence. The notes are brief and show good judgment. The cases cited are the leading ones and include practically all those found in the case books on Equity and its leading sub-topics in use in our Law Schools. The references are to the various reports, official and unofficial, where the cases may be found, and this completeness of reference will prove of material aid in the study of any important case. The table of cases is to be highly recommended for including the same duplicate references.

It will prove a valuable book for the student in or out of the schools, and especially for the latter class, will it supplement the study of cases to great advantage. On the whole it fulfills the requirement adopted by its author that a treatise for the American student "must recognize the existing condition both of law and equity, the limitations upon the chancery jurisdiction resulting from varying statutes, and the alterations made by American legislation, institutions and social habits."

FEDERAL USURPATION. By FRANKLIN PIERCE. New York: D. Appleton & Company. 1908. pp. xx, 437.

This is a valuable contribution to current political discussion and deserves wide attention.

There is a tendency to judge public men and measures by their ability to produce whatever at the moment seems a desirable result. Mr. Pierce shows that this is not the final standard of public service and that, as applied in a given instance, it is often entirely misleading. A better test of public service is in the permanent effect upon government. Does a particular course make law more or less respected and its administration more or less certain and uniform? If less, government has been weakened, and effectual remedy for wrong conditions made more difficult. Civilization cannot exist without law. The higher the civilization the more complex the law and the more learning and patience required in governmental administration. Mr. Pierce well says: "The citizens who are contented to rely upon a paternal government can never rise through one emancipation after another into a higher liberty. Social evolution progresses actually with the importance of the citizen above the state, and decreases exactly in proportion of the importance of the state over the citizen. A good despotism is an absolutely false idea."

Now, notwithstanding the controlling purpose of the Constitution to exclude this false idea forever from American politics, the banishment has not been long. New generations have come forward familiar with Continental methods of administration, eager for practical results and unaccustomed to such a "frequent recurrence to the principles of the Constitution" as is necessary "to preserve the advantages of liberty and to maintain a free government." It is the striking contradiction of American politics that we have a Constitution formed to protect and perpetuate local government in the States, administered under a public opinion which, in recent years, seems more and more to demand centralization.

What is the remedy for this condition? Few advocate repeal of the Constitution, though Mr. Pierce quotes some remarkable expressions to show that the view is not without support.

One remedy—if it be results that are wanted—would be to accomplish the desired results under the government we have. There is no real effort made in this direction, but the course is easily possible. It would not produce uniformity of regulation; but uniformity is the badge of centralized power, the lure of the absolutely false idea which should have been banished forever from a free continent. Those who think its convenience sufficient to make its adoption on the whole desirable may find much enlightenment in Mr. Pierce's discussions and in the recent work of Mr. F. J. Stimson, "The American Constitution." See 8 COLUMBIA LAW REVIEW 420.

Another remedy would be to take the view now often expressed that every government has every power which in fact it can exercise. President Roosevelt said in his Harrisburg speech in 1906 that Federal power should be increased "through executive action * * * and through judicial interpretation and construction of law." This is "Federal usurpation," and Mr. Pierce's book is a commentary upon that doctrine, taking up the history of Federal administration in executive, legislative and judicial branches of government. No more important subject can be presented for public consideration. The question is not whether government has been administered for purposes in themselves meritorious. "It is just because such powers are exercised for good purposes that they become dangerous to the public welfare." When the people are accustomed to the subversion of law, the security that government will seek good purposes is gone. Daniel Webster said that "It is hardly too much to say that the Constitution was made to guard against the dangers of good intentions, real or pretended. When bad intentions are boldly avowed people will promptly take care of themselves." The history of Federal administration which is reviewed should be considered, not from a commercial or economic standpoint, but with "frequent recurrence to the principles of the Constitution." Two great purposes are to be sought,—political liberty and economic liberty,—and as each is necessary to the other, both must be sought at once. This is the two-fold problem which presses for solution, and no success can be permanent, however popular, which disregards either aspect.

In his economic views Mr. Pierce is by no means reactionary. "Existing conditions," he says, are exactly those "which have preceded a change from democracy to empire and despotism ever since the world began. The building up of great fortunes; the growth of a moneyed aristocracy; the passing of wealth into the hands of the few; the separation of the people into classes; the establishment of monopolies * * *; the universal desire for national grandeur and glory, together with the spirit of restlessness in our people—these are dangerous omens"; and the conditions described demand prompt remedy, but he adds, "the patriotism which will accomplish results to-day must come from careful study of our institutions." The world has not so changed that past experience has become worthless. "To suppose," President Jackson said, "that because our government has been instituted for the benefit of the people, it must

therefore have the power to do whatever may seem to conduce to the public good, is an error into which even honest minds are too apt to fall,"—a dangerous error according to President Washington, for "the spirit of encroachment tends * * * to create, whatever the form of government, a real despotism."

LABOR LAWS AND DECISIONS OF THE STATE OF NEW YORK. STATUTES COMPILED AND CASES SUMMARIZED. By JOHN A. CIPPERLY. Revised Edition. Albany: Banks & Co. 1908. pp. xxiv, 462.

This compilation of statutes and decisions is very interesting for two reasons. First, it shows a rapid increase in labor legislation during the last decade. Second, it discloses the great difficulties which beset the lawyer, who wishes to know the present state of the New York statutes on this topic.

Dealing with the second point first, it can be said with confidence that this volume will be found very useful to the profession. Within its moderate limits all of the existing statutes of this state, relating to laborers, are brought together under a classification, which enables the busy lawyer quickly to ascertain the rule upon a given point—or, at least to read the deliverance of the Legislature upon that point. True, that deliverance may be unconstitutional; or it may be so unhappily expressed as to be subject to a construction which does not occur to him upon reading it; but all that the Legislature has said upon the subject, in original act and in repealing and modifying statutes, is presented to him here, in a compact and fairly well arranged form. He does not have to examine a score of volumes of session laws in order to ascertain the present language of a particular statutory provision.

Moreover, he can find within this handy volume either a digest, or a full reprint of every judicial decision rendered under any of these statutory clauses, whether by the New York, or by the Federal courts. For example, the prevailing opinion in *Lochner v. State of New York* (1905), 198 U. S. 45 (see 5 COLUMBIA LAW REVIEW 462), reversing 177 N. Y. 145 and 73 App. Div. 120, is reprinted at pages 367-383. In this case the Supreme Court of the United States held unconstitutional § 110 of the Labor Law of 1897, which prohibited an employee from working "in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day." Such prohibition was held to be an unwarranted interference with the freedom of contract between employer and employee. The decisions are brought down to March 1st, 1908, and include those declaring unconstitutional the Federal Employers' Liability Law of 1906, and sustaining the complaint in the *Danbury Hat Case*.

This is not the place for a discussion of the wisdom or the folly of modern labor legislation, but no one can examine the present compilation without astonishment at the changes which have been wrought in the common law already, and at the increasing demand for new statutes. Each new labor law breeds almost annual amendments, and, indeed, this species of legislation seems not unlike Iago's conception of jealousy, making "the meat it feeds on."